

From: Mark.Juliano@AutoTrader.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

I would like to take just a moment to comment on the pending Microsoft judgement. Having worked in the computer industry in many different capacities over the last 10 years I have come to understand how strong Microsoft's monopoly on the desktop really is. I must say that the current judgement and penalty being considered is far from adequate.

I have seen several companies with strong and viable products pushed out of their market space by Microsoft's use of their monopolistic position. These include more recent examples such as Netscape and Apple, to older examples such as Wordperfect and Lotus 1-2-3. By using undocumented features in their Windows operating system in their products, Microsoft was able to produce spreadsheet and wordprocessing products, that ran faster and were more readily available than their competitor's. By bundling software with their operating system, and calling it "free" they managed to gain significant market share over other web browsers.

Despite a consent decree in the mid 90s that was aimed at changing their predatory behavior in relation to their OEM contracts and the desktop Microsoft has consistently shown that they are unwilling to change their behavior. I feel that the solution currently being considered is far from a viable tool to ensure compliance with current anti-trust statutes. Leaving the company intact with some "oversight safeguards" is akin to leaving Iraq intact and its leader in power, and trusting that they follow the agreements they made. We know where the situation in Iraq has gone, and judging by the actions of the past, I can determine where the future will go with Microsoft. Let me put it another way, it is being suggested that we give a habitual offender a slap on the wrist and probation. A criminal act is a criminal act regardless of who commits it. We should treat it as such.

Two additional points.

First, I find it highly interesting that Microsoft is almost eager to pursue the judgement being considered. That would hardly allow it to be defined as punishment. Second, I also find it highly interesting that the DOJ's position on the case changed after a change in the leadership of the executive branch. Justice is supposed to be blind, following the dictates of some greater definition of right and wrong, not holding its finger in the wind to figure out which it should go.

Thank you,
Mark Juliano

--

Mark Juliano
Unix Administrator
Autotrader.com
mark.juliano@autotrader.com
voice: 404-269-8010